

Supplementary Materials:

Table S1: Legal frameworks and titling bureaucracy in Paraguay and Cambodia

Legal frameworks and titling bureaucracy	Paraguay	Cambodia
Steps to gain collective title:	<ol style="list-style-type: none"> 1) Gain Legal personality recognized by INDI 2) Elect community legal representatives. 3) Request land expropriation from current landowners, which is carried out by government agencies. 4) Land surveyed. <ol style="list-style-type: none"> a) If state-owned land, then it is granted for free and titled in the name of the community's legal personality. b) If private, then the state pays the owner and title is granted in name of community's legal personality 5) Title is registered and is not transferable, Title Filed 	<ol style="list-style-type: none"> 1) Self-identify as Indigenous community and receive formal identity recognition by the Ministry of Rural Development (MoRD). 2) Register as a legal entity with the Ministry of Interior (MoI). 3) Survey, demarcate and prepare preliminary maps and register a communal land title with the Ministry of Land Management, Urban Planning and Construction (MLMUPC).
International frameworks	<p>Paraguay signed and ratified ILO Convention 169 (Law 234/93 ratifying ILO Convention 169 on "Indigenous and Tribal Peoples in Independent Countries")</p> <p>Paraguay voted for the United Nations Declaration on the Rights of Indigenous Peoples</p>	<p>The State of Cambodia is party to both the International Covenant on Economic, Social and Cultural Rights ICESCR and the International Covenant on Civil and Political Rights ICCPR. Cambodia has voted for the UN Declaration on the Rights of Indigenous People UNDRIP.</p> <p>The State of Cambodia did NOT ratify the Indigenous and Tribal Peoples Convention, 1989 (ILO Convention No. 169)</p>
National legal frameworks	<p>The 1992 Paraguayan Constitution guarantees Indigenous rights to land in sufficient quantity and quality in order to conserve and develop their particular ways of life. Chapter V, National Constitution of the Republic of Paraguay (arts. 62-67),</p> <p>Paraguayan Laws la Ley 904/81 "Statute of Indigenous Communities" modified by a few articles in Law 919/96 and Law 2199/03. Art. 11, modifies various articles in Law 904/81 Law N° 1372/88 "Which establishes a regime for the regularization of settlements of</p>	<p>The 2001 Land Law of Cambodia provides opportunity for legal recognition and interim protection of Indigenous claims to customary land. (Land Law of Cambodia, NS/RKM/0801/14, August 30, 2001)</p> <p>The 2009 Sub-Decree on Procedures of Registration of Land of Indigenous Communities recognizes Indigenous rights to land but critically limits the scope of the provisions set out in the Land Law to areas free of overlapping claims and by defining different categories into which Indigenous land must be subdivided for registration and by limiting the</p>

	<p>Indigenous communities".</p> <p>Law No. 904/81 "Statute of Indigenous Communities" establishes mechanisms and requirements for expropriations carried out for the purpose of delivering land to Indigenous communities (the procedures are set forth in Articles 21 to 23 for public lands and 24 to 25 for lands of private domain).</p> <p>Legal status: If the Indigenous community has recognized legal personality, the state will transfer the expropriated property to its benefit. The problem arises when it is not possible to transfer and register the property to the numerous communities that do not have recognized legal status:</p> <p>"The adjudication of fiscal lands to the Indigenous communities will be made free of charge and undivided. The fraction may not be seized, alienated, leased to third parties, prescribed or pledged in real guarantee of any credit, in whole or in part" (Art. 17). The surface of the same will be calculated by virtue of the number of inhabitants of the community.</p> <p>In the event that the lands requested for such settlements are of private domain, the request for the same must be made by the community or by any Indigenous entity with legal status, directly before the National Institute for Rural and Land Development or through the National Institute of the Indigenous (Art. 24).</p> <p>The Paraguayan state retains rights to all subsoil, water courses and beaches Law 3239, Paraguay's Water Resources, 8 March 21 2007, Capítulo II, 3(a).</p> <p>Laws and statutes regulating land expropriation from current landowners in order grant Indigenous collective title: Constitución Nacional 1992 (Arts. 39, 109, 116 y 122 incs. 2 y 4); Código Civil (Arts. 738, 1954, 1956, 1957, 1964, 1965, 1967 inc. d), 2203, 2333 inc. c), 2252 y 2362), Agrarian Statutes, Law 904/81</p>	<p>amount of land of the various categories. (Sub-Decree on Procedures of Registration of Land of Indigenous Communities, No.83ANK/BK, June 9, 2009.)</p> <p>Land expropriation from current owners in order to grant Indigenous collective land title in Cambodia is <i>de facto</i> ruled out because land must be free of competing claims in order to enter step 3 of the collective land titling process, as per the 2009 Sub-Decree.</p>
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